

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

KAAPA ETHANOL, LLC,	)	
	)	
Plaintiff,	)	7:05CV5010
	)	
v.	)	
	)	
AFFILIATED FM INSURANCE	)	ORDER
COMPANY,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court on plaintiff's motion in limine to preclude evidence or argument relating to subsequent remedial measures (Filing No. 274). The Court has reviewed the affidavit and index in support of plaintiff's motion (Filing No. 276) and the respective briefs of the parties (Filing Nos. 275 and 316), the cases cited by the parties and Rule 407 and finds it would be premature of the Court to rule on the admissibility of this evidence prior to trial. Accordingly,

IT IS ORDERED that plaintiff's motion in limine to preclude evidence or argument relating to subsequent remedial measures is denied without prejudice.

DATED this 3rd day of November, 2009.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court